MAYOR HALL.

Judge Daly Reserves His Decision on the Law Till Thursday.

THE JURY DISCHARGED TILL TO-MORROW.

FIFTEENTH DAY'S PROCEEDINGS.

Yesterday the argument of counsel for the prosecution and the defence in the case of the People of the State against Mayor Hall was resumed from the point where it terminated at the adjournment of the Court on the previous day. The question now in controversy has exercised the legal acumen and forensic endurance of counsel on either side almost as much as did the discussion on the question for and against receiving documentary evidence on the first days of the trial. The obstruction that now blocks the wheels of the legal machinery of the Court lies in the objections raised by counsel for the defence—first, as to the constitutionality of the Court after, as they claim, the termination of the trial by the death of one of the jury sworn to try it, continuing the term of the General Sessions, Recorder Hackett having since then opened a fresh term of the Court; and, secondly, as to the empanelling a second jury to try the case, continuing, as the right is contended for by the prosecution of continuing, the eleven jurors already sworn as eleven of the jurors to try the case.

The whole of the session yesterday was occupied in discussing this double question. It was not an occasion of much interest to the few spectators that from time to time dropped in for a while, and after a little quietly retired. The reporters of the press wearied over the monotonous readings of counsel of the authorities bearing on the case, and which seemed to be so open to diverse interpretations that the same authority depended upon by the prosecution to sustain their case was appealed to by the defence to overthrow their opponent's position.

Mayor Hall looked his old self in every respect, save an occasional shade of languor that in spite of him would steal over his face, and now and again a nervous twitch of impatience, which indicated that his hitherto unassailable good temper and happy disposition was being worsted by the harassing delays of the trial to which he had been looking forward for an honorable acquittal from the charges of omission or commission, of certain acts in his office of Chief Magistrate that have been preferred against him. It is only natural that the Mayor should feel depressed and irritable, for nothing is more calculated to excite such feelings in a man holding high office under his fellow citizens than to be under charges of being false to his trust, and be debarred for even so brief a time from proving his innocence thereof.

When the Court opened Mr. Peckham asked, as there was some idea that the term expired at noon, that the Court would at once make a further extension, which the Court directed.

Judge Daly then asked Mr. Sparks, the Clerk, to state what was the history of this session.

Mr. Sparks explained it was the November term adjourned from time to time, and that the March term had been organized by the Recorder in the usual course, and was now going on.

MR. TREMAIN CONTINUES HIS ARGUMENT.

Mr. Tremain then rose and said that after a most careful examination of the points the counsel for the prosecution had come to the conclusion that there was no legal objection whatever to the course proposed by him on Monday—viz., that the eleven jurors be discharged from further considering their verdict, their names be returned to the box, redrawn, subject to challenge, and then a new panel summoned to fill any vacancies. He claimed that it was the duty of Judge Daly to continue the term, especially in view of the consent of the parties that His Honor should preside. He urged that any other ruling would be to produce great injury, and should not be made unless the statutes were peremptory in forbidding a continuance. He would, before proceeding further, submit a

SERIES OF PROPOSITIONS

drawn up and accepted by counsel for the prosecution as their views of the case:—

PROPOSITION 1.

When a juror dies after the commencement of a trial in a criminal case the Court should discharge the eleven jurors from giving their verdict, and should order that their names be called over again instanter, or, what would be the same thing in the present case, direct that their names be returned to the box and immediately drawn again. The parties should then be offered their challenges and a new panel ordered to supply the twelfth juror and such others as may be necessary to take the places of those who, upon challenge, have been set aside. The twelve must be sworn *de novo* and the examination of witnesses begin again. Such proceeding would be legal and regular, even in a capital case, against the consent and objection of the prisoner.

PROPOSITION 2.

This trial having commenced without the interposition of any plea to the jurisdiction of the Court, as it was then organized, or any application to withdraw the plea of not guilty for the purpose of presenting such plea, jurisdiction at that time must be pursued, and it would be contrary to all modes of practice to permit such jurisdiction to be questioned in the same case before the same Court. To allow any interlocutory investigation to ascertain whether facts have occurred in the meantime to deprive the Court of such jurisdiction would be an unseemly proceeding, without dignity, authority or precedent.

PROPOSITION 3.

But if the Court shall indulge an inquiry into the question whether it had jurisdiction then, or the further question whether such jurisdiction has ceased to exist, it will be manifest that it is the right and duty of the Court to continue to hold the term until this case shall be finally tried and determined.

PROPOSITION 4.

When the presiding Judge took his place upon the bench of this Court it appeared, both by the order of the Court reciting the consent of the defendant, and it was apparent to the actual observation of the Judge, that the contingency had occurred which made it one of the duties and functions of such Judge to preside at such term. Any interpretation of the law which would arrest his proceedings in a trial of great public importance and put an end to all his authority over the case when a juror dies, should only be adopted where there is no other mode of construing the statute. Such construction would hold out inducements to the defendant to prolong the trial until such or some similar state of affairs should arise. It would tend to impair the proper dignity and authority of the Court, introduce great uncertainty, expense, delay and public inconvenience into the administration of justice, and should receive no favor from the Court.

PROPOSITION 5.

Nor ought the accidental circumstance that by lapse of time the period for the regular term of this Court has arrived to exercise the slightest influence upon the question as to the jurisdiction of this Court. The statutes hereafter cited, giving to this Court full power to continue the term so long as it may deem proper, either to dispose of a single case or any cases pending in the Court, must receive full effect. Such effect can be given to these statutes, and also to the statute providing for the regular terms, by allowing both terms to continue and regarding both as regular. But if one must yield to the other, then this term having been continued regularly until the time for holding the other arrives it flows into the other and takes its place. This Court being rightfully in session it cannot be supplanted by another term of the same Court, any more than two persons can actually be in possession of the same office at the same time.

PROPOSITION 6.

If the interpretation that the commencement of another term puts an end to the power of the presiding judge so that he can proceed no further after a juror dies, then the same interpretation would terminate his jurisdiction in case the evidence had been closed and the jury had even retired for deliberation, and would lead to results unjust, unreasonable and hostile to the public interests.

PROPOSITION 7.

By the laws of 1846, 1859, 1862 and 1872 this Court has full power to continue the term as long as the presiding judge shall deem necessary, and this power, being inherent in the Court and created by statute, can neither be abridged nor impaired by the presence or absence of its own orders. But if the power depended on its orders it is a continuing power, and according to the settled rule of interpreting similar powers, conferred for the public welfare, it is not exhausted by a single exercise thereof. Indeed, this point is settled by the statute of 1872, and is now solemnly adjudged by this Court.

PROPOSITION 8.

If the Court shall hold, contrary to the proposition embraced in the last point, that the order of extension might operate as an abridgment of the legal powers of this Court, then it is clear that the first order granted by the present presiding judge did not in any manner, by its own terms, restrict the power of the Court so that it cannot proceed to a trial of this case *de novo*, but only fixed a period of time for its continuance, and such time not having yet arrived, it is entirely competent for the Court still further to extend it. This question also has been practically adjudged by the subsequent orders made by the Court, and is clearly embraced in and covered by the exhaustive opinion already pronounced.

PROPOSITION 9.

The authority of this Court to order additional jurors to be summoned in the present exigency rests upon the same ground under which the 500 jurors have already been summoned, and under which Circuit Courts and Courts of Oyer and Terminer in this city are constantly acting where such jurors are summoned after the commencement of a term, and is sanctioned by the plainest provisions of the statutes.

PROPOSITION 10.

Four days have already been consumed in obtaining a jury and six more in taking testimony and hearing arguments as to the competency of evidence, most of which time may be saved if the trial now proceeds. All parties have agreed upon the presiding judge, and great expense, difficulty and delay will result from the postponement of the trial. The right of the defendant to a speedy trial, the great public importance of the case and all those considerations which are usually deemed material in the administration of justice in criminal cases require that at any reasonable sacrifice of personal inclination or other duties less momentous on the part of court, jury, party or counsel, the trial should proceed at this term, before the present presiding judge, to its final termination.

Mr. Tremain, in a lengthy speech, argued these positions exhaustively.

ARGUMENT FOR THE DEFENCE.

Mr. Stoughton said they had no desire to submit any observations unless the Court desired to hear them—that is, not to argue if the Court had already formed an opinion on the questions.

Judge Daly said it was not his habit to form opinions on important questions until he had heard all views which it was thought proper to submit to him.

Mr. Stoughton said a somewhat impassioned appeal had been made to the Court to proceed to maintain its dignity. Its dignity, it seemed to him, could be best maintained by a strict adherence to the law. It would be unpleasant and a waste of time on the part of the defence to proceed with a trial, a conviction in which could not be pleaded afterwards as a bar to a fresh trial on the same cause of action, which the spirit which seemed to inspire this prosecution might institute. He understood His Honor to rule that there was now no "double session" of the Court of General Sessions. His Honor had avowed that he would not exercise a doubtful jurisdiction on the question. There was no object in his continuing the present case. The April Term would be here very soon, almost as soon as a new panel could be sworn. Meanwhile the presiding Judge could consult with the Recorder, and a "double session" could be ordered for April.

Judge Daly said he could not, in this case, consider questions of expediency. The prosecution insisted on going on. He must decide what the law was, and he should take that responsibility without regard to other considerations.

Mr. Stoughton contended that in deciding a question of doubtful construction of a statute such considerations might be taken into account. He had not yet seen the English cases to which the Court had alluded.

Judge Daly here gave Mr. Stoughton several references to English cases where a juror had been incapacitated during his trial. The chief case was that of Rex vs. Edwards.

Mr. Stoughton contended that the decision in this case was not as to the proper form of procedure, but as to an old doubt whether, where once a prisoner had been "in charge of a jury," he could ever again be tried, and whether the death or sickness of a juror did not inure to his benefit. He claimed that this motion involved three distinct things—First, the discharge of the juror; that would end this trial. Second, the return of the eleven names to the box. Suppose each side should use all eight of their challenges, only three would be left. He would call attention to a statute of the State that no jurors should be drawn unless there were twenty-four names in the box.

Judge Daly said he should adopt the course of the English case, and call their names over.

Mr. Stoughton insisted that once the jury was discharged the trial would be in the condition of the commencement of a trial. The parties to it would be at liberty to make any of the motions allowable at the commencement of a trial, to quash the indictment, to move for an adjournment or any other motion proper at the beginning of a trial.

Mr. Burrill succeeded Mr. Stoughton, and continued to address the Court up to the time of adjournment.

In the course of the argument Judge Daly said if Mr. Burrill was correct the Judges were wrong for a quarter of a century in summoning extra panels.

Mr. Burrill—Excuse me, but it is nothing unusual to find jurors incorrectly summoned at this side. We accidentally discovered that the panel was drawn in this Court for four years without a ballot box. The Clerk said he never saw one. I noticed that all the jurors were drawn from the letter S, and when I asked what that meant he said he went through them alphabetically. (Laughter.)

Judge Daly—Yes; I recollect that case. No one was more surprised than the Judges to learn that there was no ballot. He was a new Clerk, and he took his own way of carrying out the requirements of law.

The Court was then adjourned to eleven o'clock on Thursday morning, when Judge Daly will give his decision. At the request of counsel for the prosecution, he granted a session for further argument to-day, without the presence of the jury.

THE COURTS.

Alleged Forgery of a Distiller's Bond—Decision in Admiralty—Violation of the Internal Revenue Law—The Ward's Island Litigation—Action on a Note—Business in the General Sessions.

UNITED STATES CIRCUIT COURT.

Criminal Cases.

Yesterday Judge Benedict entered Court at the usual hour and proceeded with the trial of criminal cases. The Judge stated that he would sit for two weeks for the purpose of discharging the business upon the calendar.

BANKERS AND BROKERS AS JURORS.

A gentleman named Gibson, who had been summoned to attend as a petit juror, asked to be excused on the ground that his business, as a banker and broker, would be much injured if he were, as a juror, obliged to absent himself from it.

Judge Benedict—I must refuse the application. I cannot make any exception in favor of bankers and brokers.

A NOLLE PROSEQUI.

On the motion of Assistant District Attorney Purdy a *nolle prosequi* was entered in the case of George Wendelkin. The accused had been indicted for dealing in counterfeit money, and his death has recently taken place.

Alleged Forgery on a Distiller's Bond—Alleged "Straw Bail."

The Court then proceeded with the trial of William Messick, who is indicted for having forged a bond in the case of the United States vs. Twenty-four Barrels of Distilled Spirits at No. 10 Cedar street. This matter involved one of those affairs which are classed in the Court under the caption of "straw bail." The defence set up was that at the time of the commission of the alleged offence Messick was insane—morally insane. Among the witnesses called was the mother of Messick, who gave evidence to the effect that her son got a sunstroke about three years ago; that from that time up to the present he had not been in his right mind, and that a physician stated he was crazy and advised sending him to a lunatic asylum; he was under the impression or conviction that he was a man of vast wealth, when, in point of fact, he was not the owner of a dollar in the world; he was once well off and in very comfortable circumstances, but he had lost the whole of his property; he has lived with his mother ever since he received the sunstroke; he has peddled twine for a living, and given his mother a portion of the money he got for it; his memory was very much impaired; he could not remember on one day what had been done on the day before; he would talk rationally on subjects for a few moments and then wander. The witness added that she thought her son had got better since his imprisonment.

A sister of the accused, Mrs. Noyes, deposed that some few days before her brother put his name upon the bond she and her mother had arrived at the conclusion that he was out of his mind, and that they would have to send him to a lunatic asylum; he complained much about pains in his head, and would get up at night and bathe his head with cold water; his general conduct showed that he was insane; he sometimes kicked his mother; he had lived with them seven years in that condition; it was his habit to boast that he was the owner of a large property, but his mother and sister paid no attention to him, because they were fully aware of the fact that he did not own any property or possess any money whatever.

Mrs. Underhill and Mr. Magnus gave somewhat similar testimony.

Lewis H. Dickerson, a lawyer, deposed that he knew the defendant thirteen or fourteen years; defendant would come into witness' office sniggering, and boasting that he had a great deal of property, and would then ask witness for five cents to go home; witness said to him that if he had so much property he ought to get a mortgage upon it for the purpose of raising and having some money; witness believed Messick was in such a state of mind that he would do anything he was told to do.

Mr. Middleton and Alexander B. Clement were also examined as to the defendant's state of mind. One of these witnesses said that on one occasion Messick came and told him that he could buy a large cigar store, with a valuable stock, for $35, and wanted witness to advance that money; his mind was getting worse since he had been separated from his wife and family.

John A. Shields, United States Commissioner, testified that the defendant was arrested and brought before him; the man appeared to be excited; he stated that other parties had instigated him to sign the bond; he gave their names, and when these parties appeared Messick said they were the persons he had named, but that they had not done anything. On cross-examination Mr. Shields said Messick asked for an examination.

Medical evidence, including that of Dr. Franklin W. Hunt, was given to show that Messick was in such a low mental condition that he could, by a clever person, be almost induced to do anything.

Rebutting testimony was given by Mr. Sidney De Kay and Mr. Emerson, of the United States District Attorney's office, with the view of showing that Messick was a person of ordinary intelligence, so far as they could judge from the statements he had made to them in their official position respecting the bond.

Dr. Meredith Clymer testified to the effect that he had made two examinations of the defendant, who had exhibited to him no delusion, illusion or hallucination. He believed him to be sane.

Dr. Hogan was examined upon the same point. His testimony went to support that of Dr. Clymer.

The further hearing of the case was adjourned till this morning.

UNITED STATES DISTRICT COURT—IN ADMIRALTY.

Yesterday, in the case of the New Jersey Lighterage Company vs. The Steam Tug A. Corning, Judge Blatchford dismissed the libel, with costs.

SUPREME COURT—SPECIAL TERM.

The Ward's Island Litigation.

Before Judge Ingraham.

Alfred E. Beach et al. vs. The Mayor, &c.—The particulars of this litigation having been published in full in the HERALD at the institution of the suit, do not require to be repeated. It involves, as will be remembered, large and valuable interests in lands on Ward's Island, for the ownership of which there are a large number of claimants, a portion of such land being some of that now used as roadways, and also certain sections between high and low water marks. The Judge yesterday rendered his decision in the case. After reciting the various points raised on both sides as to the title to the lands, in question he gives the following as his conclusions:—

First—My conclusions are that the pieces of land owned by some of the defendants in which the plaintiff has no interest, and such pieces of the land between high and low water as are held adversely for wharves, and the roads, with the land below high water in front of the termination of such roads, must be excluded from this partition; and the defendants who are interested therein and have no interest in any other portion of the lands sought to be partitioned may have the complaint dismissed as to them, with costs.

Second—That commissioners shall be appointed to make partition, as far as may be done, among the several owners, or to such of them as so consent in uniting their shares in common.

Third—That such portions as cannot be so partitioned without detriment to the value thereof, to be ascertained by the report of the commissioners, be sold and apportioned to the defendants whose shares are not set off to them as before provided.

SUPERIOR COURT—TRIAL TERM—PART 1.

Getting a Leg Broken, but Getting No Damages for It.

Before Judge Barbour.

Samuel Lederer vs. Joseph Ehrenheld.—The plaintiff, by his guardian, brought suit against the defendant to recover $5,000 damages for a broken leg. The plaintiff, who is nineteen years old, was in the employ of the defendant, a tobacco manufacturer, and while engaged in assisting to hoist a cart of tobacco had his leg broken. The evidence showed that with due care he could have kept at a safe distance from the cart, and a verdict was ordered for the defendant on the ground of contributive negligence.

SUPERIOR COURT—TRIAL TERM—PART 2.

A Note Case and Round Sum of Interest.

Eugene Kelly et al. vs. George W. Ferguson.—This was a suit on a promissory note for about ten thousand dollars, given in California in February, 1865, and made payable in gold. It was set up that the note had been altered after being signed, and usury was also pleaded in bar to payment. The jury found that the erasions and alterations of the note were made previous to its being signed, and the Court ordered a verdict for $32,000 for plaintiffs.

COURT OF GENERAL SESSIONS.

Another Emigrant Swindler Sent to Sing Sing.

Before Recorder Hackett.

The first case tried by a jury in this Court yesterday was a charge of grand larceny against John Edwards. It appeared from the testimony of the complainant, Andrew Rennie, who had engaged a passage to return to Scotland, that on the morning of the 9th of this month he and a fellow passenger went into a drinking saloon near Pier No. 47 North River, and while there the prisoner engaged them in conversation and requested Rennie to take charge of a "sick brother" who was going on the same ship. The complainant consented to do so, and then took a walk with Edwards. While going along the street a "gentleman" approached Edwards and presented him with a bill, demanding payment in gold. He (Edwards) took out his pocketbook and exhibited a roll of greenbacks, and, turning to the Scotchman, requested the loan of thirteen sovereigns, which he handed over to him. The "gentleman" left and Edwards requested Rennie to proceed to the ship to look after his "sick brother," promising soon to join him. The duped Scotchman returned to the vessel and not finding the "sick brother" of his new acquaintance came to the conclusion that he was swindled out of his money. He went to a station house near by, and from a description given by the complainant of Edwards he was arrested the same evening and positively identified as the confidence man. The defendant testified in his own behalf, stating that he never saw Rennie until he was confronted with him in the station house. A barkeeper in a liquor saloon testified that at the hour when Rennie says he was induced to part with his money Edwards was in the saloon. John Masterson testified that he had employed Edwards "off and on" to take money to the bank, and always found him honest; but the jury did not place any confidence in the senior Weller's patent defence, "a halibi," for, after a short deliberation upon the case, which Assistant District Attorney Stewart placed forcibly before them, they rendered a verdict of guilty.

Mr. Howe moved for a new trial, contending that the evidence showed that the complainant loaned the money and that the larceny was not established. The Recorder denied the motion, and in sentencing Edwards said that he supposed the conviction and prompt punishment of so many emigrant swindlers in this Court ought to have deterred the prisoner and his confederates from continuing their depredations upon emigrants. Five years in the State Prison was the sentence passed upon Edwards.

An Acquittal.

Nicholas Van Pelt, charged with shooting at John Wallace on the 19th of February, was acquitted.

Alleged Abduction.

Late in the afternoon a jury was empanelled to try an indictment against William Dennis and Mary Florence charging them with abducting Caroline H. Moore and inveigling her into a house of ill fame. The case will proceed to-day.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Barrett.—Nos. 951, 1467, R. C. 217, 169, R. C. 155, 3011, 109½, 337, 779½, 1223½, 1269, 1299, 1513, 352, 1113, 1143, 1359, 395, 701, 723. Part 2.—Adjourned until Thursday, March 21, at eleven o'clock A. M., in respect to memory of Judge Whiting and to attend the funeral.

SUPREME COURT—SPECIAL TERM.—Adjourned to Monday, March 25, at eleven o'clock A. M.

SUPREME COURT—GENERAL TERM—NOTICE—Term for April, 1872.—A new calendar will be made up for April term, and new notes of issue in all cases must be filed with the clerk on or before Saturday, March 23.

SUPREME COURT—CHAMBERS—Held by Judge Cardozo—Calendar called at twelve M.—Nos. 17, 46, 47, 53, 60, 66, 85, 87, 89, 95, 125, 140, 141, 164.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Barbour.—Nos. 1811, 1067, 1497, 183, 1599, 1659, 1697, 1165, 1699, 1767, 1509, 1843, 1845, 1847, 1849. Part 2—Held by Judge McCunn.—Nos. 324, 760, 540, 1068, 382, 1010, 624, 848, 90, 816, 1046, 1218, 88, 868, 1106.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Van Brunt.—Nos. 1301, 35, 1493, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510. Part 2—Held by Judge J. F. Daly—Parts open at eleven A. M.—Nos. 710, 980, 906, 1065½. By order—1829, 1015, 1088, 1268, 1409, 1269, 1456, 1495, 1496, 1497, 1498.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Gross.—Nos. 8915, 7790, 8016, 8080, 8148, 8240, 8247, 8284, 8342, 8909, 8913, 8970, 7126, 8351, 8352. Part 2—Held by Judge Curtis.—Nos. 7650, 8121, 8192, 7385, 7606, 8191, 8160, 7331, 8117, 8150, 8225, 9043, 8287, 8238, 8291, 8236, 9183, 8231, 8153, 8310, 8259, 8258, 8747, 7913, 8167, 8066, 8169, 8201, 7943, 8124, 8114. Part 3—Held by Judge Shea—Parts open at ten A. M.—Nos. 8437, 9034, 9065, 7765, 8541, 9014, 9016, 9036, 9139, 9144, 9152, 9223, 9224, 9225, 9226, 9228.

BROOKLYN COURTS.

SUPREME COURT—SPECIAL TERM.

The Pacific Mail Steamship Company in Court—Can the President Define a "Pool?"

Before Judge Gilbert.

The case of Luther C. Challis vs. The Pacific Mail Steamship Company came up yesterday on a motion of plaintiff's counsel that the President, A. B. Stockwell, be compelled to answer certain questions asked by the referee.

Ex-Judge Fullerton, for plaintiff, argued that Mr. Stockwell was a broker of good experience, and also of wealth, but then when a question was put to him as to what was a pool, he professed to be ignorant, though counsel knew very well it was false, and that he did know it to be a combination of men to buy and sell stock, and they wished to find out whether there was not such a combination formed in this company. They wanted to know whether Mr. Stockwell had not loaned the funds of this company to such a combination, or, if not, to certain brokers from whom these men forming the pool could get the stock. Counsel had no doubt that the funds of the company had been used for speculation, and he had no doubt that it could be firmly established if he could make a proper investigation.

Ex-Judge Nelson appeared for the company and denied that Mr. Stockwell was a man of great wealth and experience as a broker, and also that the plaintiff had been proved a good stockholder of the company of the 400 shares claimed; and, further, he held that the company had a right to invest their funds in anything that they saw proper, providing it was a safe investment. He claimed that it was not right to compel the witness to answer the question of the pool put to him, as he might as an individual have proceedings in such a matter if he liked. He wished the Court to mark out the line of examination to be pursued before the referee.

Judge Gilbert's decision was as follows:—

The order granted by me the other day is modified so as to read:—

NEW YORK SUPREME COURT, KINGS COUNTY.—Luther C. Challis vs. The Pacific Mail Steamship Company.—This motion for an injunction coming on to be heard, on the complaint, affidavit and affidavits on the part of the defendants, and after hearing William Fullerton for the motion and Homer A. Nelson in opposition thereto, and upon the motion of the plaintiff,

Ordered, that it be referred to John S. Lawrence to take proofs of the allegations contained in the complaint, and whether at the time this action was commenced the complainant was a *bona fide* stockholder in the corporation of defendants, and also evidence on behalf of the defendants in reply to the evidence on the part of the plaintiff.

And it is further ordered that the examination of the plaintiff's witnesses as to the acts of the defendants be restricted to the ascertaining of the corporate funds mentioned in the complaint, and the investment and other disposition thereof by or under the direction of the trustees or directors of said corporation, who are defendants therein, or either or any of them; and that the taking of testimony commence on Saturday next, at eleven o'clock in the forenoon, and continue with all convenient speed; that such referee report to the Court all the evidence taken by him on the 20th of March inst., at twelve o'clock M., to which time the hearing of the motion herein is postponed.

THE PETROLEUM PROTECTIVE ASSOCIATION.

A meeting of the oil refiners and dealers of the city, who have combined to checkmate the absorbing tendencies of the Southern Improvement Company, took place on Monday evening, behind closed doors. The report of the committee who last week visited the oil regions to confer with the producers was made and discussed; but the conclusions arrived at were not made public, as the meeting seemed desirous that the enemy should not obtain an inkling of their action. It is asserted, however, that the oil men in attendance were more unanimous than ever in their determination to resist the encroachments of the Improvement Company. So far but one New York firm—Josiah Macy & Sons—has cast in its fortunes with the monopoly. This action has rather astonished the oil men, as Mr. Macy, Jr., at the great meeting held last week, very pronounced against the scheme of Rockefeller, Watson, McGee and company, leaders of the Southern Improvement effort.

PIGEON SHOOTING.

Match for $500 Between Ira A. Paine, of This City, and Richard Wood, of Chester, Pa.—Paine the Winner—E. Staples Beats W. J. Johnson a Match.

The first of the home and home matches between Ira A. Paine, of this city, and Richard Wood, of Chester, Pa., came off yesterday afternoon at Dexter's (the old Hiram Woodruff House), on the Jamaica road, the grounds of the Long Island Shooting Club. There was not a large attendance, but this may be accounted for from the threatening state of the weather. Several gentlemen from Philadelphia were in attendance who came on with Wood and who backed up their favorite at even money.

The matches are for $250 a side, and the return one will take place in the neighborhood of Philadelphia on Tuesday next. The conditions of the matches are that the contestants shall use one and a half ounce of shot, to find, trap and handle for each; otherwise the Rhode Island rules are to govern. The rise was twenty-one and the boundary eighty yards.

The shooting was very good, considering the variable state of the weather, as during the time of the shooting it rained, hailed, snowed and blowed alternately in fitful gusts, much to the annoyance of the spectators. Paine's shooting at times was excellent, particularly when he had difficult birds, but nearly all his misses were at birds that the greatest tyro would have hit. Wood shot very well, but he did not come up to the expectations of his backers or those who had heard of his beating Miles Johnson and other professionals. Ira A. Paine can beat him easily, all things equal.

Mr. Lamphrey acted as referee.

Awaiting the arrival of Mr. Wood and friends, E. S. Staples and W. J. Johnson shot a match of twenty-three birds each, the former giving the latter three birds, for which Johnson allowed Staples four yards advantage in the rise; Staples shooting twenty-one yards from the trap and Johnson at twenty-five. Mr. Staples won the match, killing seventeen birds, Mr. Johnson scoring fourteen.

The following are the details of the

PAINE AND WOOD MATCH.

PAINE.	WOOD.
1.—A towering bird; quickly killed. An easy shot.	1.—A quartering bird to the left; well killed. A dead shot.
2.—A driving bird; well killed. A dead shot.	2.—The bird just jumped from the trap when he was knocked over.
3.—A quartering bird to the right; instantly killed.	3.—A driving bird; hit hard, but escaped.
4.—A quartering bird to the left; missed. This was a slow, easy bird to hit.	4.—A driving bird; hit hard, but escaped. He was a very rapid flier.
5.—A quartering bird to the left; killed quickly. This was a very slow bird.	5.—A quartering bird to the left; was soon knocked over. It was a rapid bird.
6.—A fast driving bird; well killed. A capital shot.	6.—A driving bird; well killed. This was a very fast flier.
7.—An incoming bird; easily killed.	7.—A driving bird; well killed.
8.—A driving bird; hit hard and fell dead outside of bounds. A miss scored.	8.—A quartering bird to the right; well killed. The bird was a streamer.
9.—A quartering bird to the right; quickly killed.	9.—A fast driving bird; well killed. This was a fine shot.
10.—A driving bird; killed instantly.	10.—A driving bird; missed.
11.—A quartering bird to the right; missed. The shot went under the pigeon.	11.—An incoming bird; quickly killed. The bird was long before starting to fly and bothered the shooter.
12.—A quartering bird to the right; hit hard and fell dead out of bounds.	12.—A driving bird; missed by the gun snapping. Hard luck for Mr. Wood.
13.—A quartering bird to the right; well killed.	13.—A driving bird; quickly killed. A capital shot.
14.—A quartering bird to the right; well killed. A good shot.	14.—A driving bird; hit hard, but escaped. He fell dead out of bounds.
15.—A quartering bird to the right; well killed.	15.—A driving bird; well killed. An excellent shot.
16.—A driving bird; instantly killed.	16.—A quartering bird to the right; well killed.
17.—A driving bird; hit hard and fell dead three yards inside of the boundary.	17.—A quartering bird to the right; well killed. A fine shot.
18.—A driving bird; hit hard, but escaped.	18.—A quartering bird to the right; hit hard, but flew out of bounds.
19.—A towering bird; quickly killed. A dead shot.	19.—A quartering bird to the left; well killed.
20.—A quartering bird to the right; well killed.	20.—A driving bird; killed quickly.
21.—A quartering bird to the left; missed.	21.—A quartering bird to the right; missed.
22.—A driving bird; quickly killed.	22.—A driving bird; hit, but escaped.
23.—A driving bird; killed the instant it left the trap.	23.—A low driver; quickly killed. A good shot.
24.—A driving bird; quickly killed.	24.—A fast driving bird; missed.
25.—As soon as the bird jumped up he was knocked over.	25.—An incoming bird; well killed.
26.—A driving bird, but escaped.	26.—A quartering bird to the right; well killed.
27.—This bird jumped up and was killed as soon as he left the trap.	27.—A quartering bird to the right; hit hard, but escaped.
28.—A quartering bird to the right; killed instantly.	28.—A slow bird; quartered to the left and was easily killed.
29.—A quartering bird to the right; well killed.	29.—A quartering bird to the left; well killed.
30.—A quartering bird to the right; easily killed.	30.—A quartering bird to the left; quickly killed.
31.—A quartering bird to the left; well killed.	31.—A quartering bird to the right; well killed.
32.—An incoming bird; easily killed.	32.—A driving bird; well killed.
33.—A towering bird; killed quickly. A capital shot.	33.—A quartering bird to the left; well killed.
34.—An incoming bird; easily killed.	34.—A quartering bird to the left; well killed.
35.—A driving bird; killed instantly. A fine shot.	35.—A driving bird; hit, but escaped.
36.—A fast driving bird; missed.	36.—A quartering bird to the right; hit, but escaped.
37.—A driving bird; quickly killed. A fine shot.	37.—A quartering bird to the left; well killed.
38.—A towering bird; well killed.	38.—A quartering bird to the left; well killed.
39.—A driving bird; well killed.	39.—A driving bird; hit hard, but escaped.
40.—A quartering bird to the left; killed instantly.	40.—A quartering bird to the right; hit hard, but escaped.
41.—A quartering bird to the right; well killed.	41.—A quartering bird to the right; well killed.
42.—A towering bird; well killed.	42.—A driving bird; well killed.
43.—A quartering bird to the left; soon killed. A good shot.	43.—A towering bird; well killed. A capital shot.
44.—A quartering bird to the right; quickly killed.	44.—A driving bird; well killed.
45.—The gun snapped and the bird escaped.	45.—A quartering bird to the right; well killed.
46.—A quartering bird to the right; well killed.	46.—A driving bird; hard hit, but escaped.
47.—A driving bird; quickly killed.	47.—A driving bird; hit hard, but fell out of bounds. A miss.
48.—A driving bird; wheeled as he was shot at. A miss.	48.—A driving bird; well killed.
49.—A driving bird; well killed.	49.—A quartering bird to the right; well killed.
50.—A towering bird; missed.	50.—A driving bird; missed.

THE SCORE.

Paine—1, 1, 1, 0, 1, 1, 1, 0, 1, 1, 0, 0, 1, 1, 1, 1, 1, 0, 1, 1, 0, 1, 1, 1, 0, 1, 1, 1, 1, 1, 1, 1, 1, 1, 0, 1, 1, 1, 1, 1, 1, 1, 0, 1, 1, 0, 1, 0—Killed, 39; missed, 11.

Wood—1, 1, 0, 0, 1, 1, 1, 1, 1, 0, 1, 0, 1, 0, 1, 1, 1, 1, 1, 0, 0, 1, 0, 1, 1, 0, 1, 1, 1, 1, 1, 1, 1, 0, 0, 1, 1, 0, 0, 1, 1, 1, 1, 1, 0, 0, 1, 1, 0—Killed, 33; missed, 17.

STAPLES AND JOHNSON'S SCORE.

Staples—1, 1, 0, 1, 0, 1, 1, 1, 1, 1, 0, 1, 0, 1, 0, 1, 1, 1, 1, 1, 1, 0—Killed, 17; missed, 6.

Johnson—1, 1, 1, 1, 1, 1, 1, 1, 0, 0, 0, 1, 0, 0, 0, 1, 0, 1, 0, 1, 1, 1, 0—Killed, 14; missed, 9.

SMALLPOX.

Alarming Increase of the Disease.

The peculiar atmosphere the city has been visited with during the past ten days has made the epidemic the people are now suffering from rush up to unparalleled numbers, causing an alarm heretofore unknown. The number of cases reported yesterday to the Board of Health was twenty-nine, being the largest ever heard of before. Five of these cases have not yet been verified, but the balance were discovered by Dr. Morris' inspectors. The work of the Sanitary Bureau of Inspection for the week is as follows:—Eighty houses disinfected and fumigated, 48 cases of smallpox removed to the den on the island, and 5 dead bodies to the Morgue; 11,746 families were visited, 8,110 persons vaccinated—7,600 of these being vaccinated a second time. The people should lose no time in getting vaccinated. They can have it done gratis at any of the station houses in the city. The weather is getting warm and the danger at the same time is increasing.

ROWING.

The Atalanta Boat Club vs. the London Rowing Club.

This prospective match is talked of, not with unabating, but constantly increasing interest. All true lovers of sport sincerely desire to see this match consummated without any of the (unfortunately usual) controversies which seem to be part and parcel of every important match race. Judging from the tenor of the correspondence which has so far passed between these two well known and highly esteemed organizations, we are inclined to believe that in this case we need not anticipate anything which may tend to weaken the favorable impressions which the members of the above mentioned clubs have apparently conceived of one another.

With some misgiving we notice a lengthy editorial in the London *Field*, of March 2, entitled, "American Amateurs." That our readers may not remain ignorant of what is taking place we make a few extracts from the article alluded to:—

From a letter which has been published in the New York *World* of February 8, it would seem that some of the members of last year's Atalanta Boat Club are not *bona fide* amateurs, or at least that there is some doubt upon the subject. This matter should be settled at once, and it seems desirable that the London Rowing Club should institute inquiries as to the qualifications of the members of the Atalanta Club. A short time since our correspondent, "Argonaut," had a letter addressed to him by an American gentleman, who had been appointed to collect all the materials he could as to the definition of amateurs in this country, for the members of the different clubs in the States considered their definition insufficient, and wished to establish one which should bind all rowing associations in that country. * * * It seems that no one club in the United States has ever adopted any proper definition of an amateur, and that some of them differ much in the rules they apply to their regattas. The Hudson Amateur Rowing Association debars from rowing in its regattas "any man who ever rowed for money or with a professional, or in a regatta open to all comers, or who was ever ready and willing to be matched against any oarsman for money." The Northwestern Amateur Boating Association declares "that no club or crew shall compete in our regattas which has professional or paid oarsmen in its crew, or which shall have in its crew any man or men who shall compete for a prize in money in any race with a crew or man not belonging to the association without first obtaining permission from the Executive Board. * * * The Northwestern Association crews are generally composed of raftsmen or loggers—a class of men very similar to our bargers—and there seems to be no law at all to prevent sailors from rowing as amateurs, if they have not pulled for money." * * * The author of this article, so flattering to American amateur oarsmanship, concludes thus:—"There can be no doubt that there is considerable difference of opinion as to the proper definition of an amateur on this side the Atlantic; and some day it may be necessary to have a meeting to decide the question, as we doubt if all regatta committees would agree upon the subject, bearing in mind the discussion which took place in these columns last summer. It has been asked if we take notice of the doings of amateurs abroad. To this query, it must be answered that some time back we did not do so; but now that international contests are becoming common it behooves us to see that no one takes advantage of our amateurs, and that those who contend against them do so on equal terms, which can hardly be the case if their competitors are to all intents and purposes professionals."

The letter referred to in the beginning was an anonymous communication, which had been offered to several newspapers, but was rejected by all except the *World*.

The day following a spirited reply appeared in the columns of the *Turf, Field and Farm*, which we know was heartily approved of by all who had no personal feelings in the matter or were actuated by still baser motives. From the tenor of the correspondence between the two clubs we would suppose that this miserable miscarriage of a diseased imagination would have no weight with the members of an organization who assert that they have the utmost confidence in the integrity of their challengers. But we must naturally incline to the belief that this article could not have emanated from the pen of the aquatic editor of the *Field* without the cognizance of some or all of the members of the London Rowing Club.

We sincerely hope that our proverbially correct "Yankee-guessing," may this time prove at fault; but there is no denying that the ungenerous article referred to will cast a cloud upon an event, which in the beginning, appeared to be surrounded by the genial sun shine of mutual confidence and esteem.

The next thing of which we are informed is that an American gentleman had been appointed to make inquiries and settle our amateur business for us. Now, although thoroughly posted in all that pertains to rowing, we thought that for once we might have been "out;" and therefore made diligent inquiry of many American gentlemen belonging to various boating organizations, but up to the present writing failed to find a single individual who had ever heard such a thing. This American gentleman must have been a committee of one, appointed by himself.

In regard the definition of amateurs we mean to say that the clause bearing upon this subject, taken from the bylaws of the Hudson Amateur Rowing Association, as quoted above, embraced all that we need to decide whether a man is an amateur or professional. We also know that many men were ruled out under this little clause, and the [illegible]

THE PACIFIC MAIL BATTLE.

The Testimony of President Stockwell—The Howe Sewing Machine Company's Notes as Collaterals—Another Deadlock.

[illegible]

MORE STOLEN VOUCHERS.

Catacazy Loses His Papers—His House is Robbed by a Gentlemanly Burglar with Small Feet—He Was Not Altogether Unprepared—What is Thought of His Story in St. Petersburg.

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